

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION NO. 5:14-CV-16**

CARL WAYNE CARPENTER, JR. AND  
NATISHA CARPENTER,

**Plaintiffs,**

**v.**

INVESTIGATOR SCOTT EDWARD  
REED, OFFICER CHARLES KURFEES,  
CITY OF STATESVILLE, TOM  
ANDERSON,

**Defendants.**

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**ORDER**

**BEFORE THE COURT** is Plaintiffs' Motion Pursuant to Federal Rule of Civil Procedure 56(d) for Denial of Defendants' Motion for Summary Judgment or, in the Alternative, For Leave to File a Supplemental Response to Defendants' Motion for Summary Judgment. (Doc. 53).

In support of this Motion, Plaintiffs assert that they filed a Motion to Compel Discovery (Doc. 40) two days before the Defendants moved for Summary Judgment, (Doc. 45). Judge Cayer ruled on Plaintiffs' Motion to Compel three days after Plaintiffs filed their Brief in Opposition. (Docs. 48, 49). The Court's Order directed Defendants to serve full and complete discovery responses relative to Defendants Reed and Kurfees before May 16, 2015. Plaintiffs represent that these Supplemental Discovery Responses amount to over two thousand pages. Further, Plaintiffs found, in their initial review, that some of the material produced is essential to this Court's consideration of Defendants' Motion for Summary Judgment.

In response, Defendants indicate that they "do not object to Plaintiff's alternative request to file a supplemental Response, as long as Defendants have the opportunity to file a

supplement[al] Reply in Support of the Motion for Summary Judgment, in accordance with Local Rule 7.1(E).”

For the reasons stated in the briefs, the Court will **DENY** Plaintiffs request for denial of Defendants Motion for Summary Judgment. However, the Court **GRANTS** Plaintiffs’ alternative request for leave to file a Supplemental Response to Defendants’ Motion for Summary Judgment. The Supplemental Response shall be limited to a presentation of evidence ascertained as a result of the supplemental production. The Supplemental Response shall be due July 20, 2015. Defendants have the right to file a Supplemental Reply in accordance with Local Rule 7.1(E).

**SO ORDERED.**

Signed: July 2, 2015

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive, flowing style.

Richard L. Voorhees  
United States District Judge

